



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,691	06/23/2003	Sidharth Jaggi	MCS-021-03 (302967.01)	7627

7590 01/22/2008  
Mark A. Watson  
Lyon & Harr  
Suite 800  
300 Esplanade Drive  
Oxnard, CA 93030

EXAMINER
----------

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
----------	--------------

2155

MAIL DATE	DELIVERY MODE
-----------	---------------

01/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/601,691

Applicant(s)

JAGGI ET AL.

Examiner

Benjamin R. Bruckart

Art Unit

2155

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: None.  
Claim(s) rejected: 6-9 and 16-18.  
Claim(s) withdrawn from consideration: 1-6, 10-15 and 19-22.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No.(s) \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Advisory Action  
Claims 7-9 and 16-18 are pending in this Office Action.  
Claims 7-9 and 16-18 were elected by restriction requirement.  
Claims 1-6, 10-15, 19-22 remain withdrawn.  
There no claim amendments.

#### 35 U.S.C. 101

The 35 U.S.C. 101 rejection needs to be made because:  
Claims 7-9 are drawn to a non-statutory subject matter because the system in which applicant claims is software (see specification page 30).  
Claims 16-18 are drawn to being software per se. The claim amendment did not limit the claim to only hardware embodiments (see spec page 30).

The 35 U.S.C. 112, first and second paragraph rejections and objection to the specification are withdrawn in light of applicant's arguments.

#### Response to Arguments

Applicant's arguments filed in the amendment filed 1/3/08 have been fully considered but they are not persuasive. The reasons are set forth below.

#### Remarks

Applicant has filed arguments stating the term "full rank" is "widely known to those skilled in the art" and has provided text book definitions with such explicit definitions showing its status in the art before the time of the invention.

#### The Applicant Argues:

The applicant argues the term "full rank" is well known in the art.

In response, the examiner respectfully submits:

The examiner acknowledges the term was well known in the art and therefore removes the pertinent rejections. The definitions provided by applicant can be used to interpret the term. However, such explicit definitions are only one way to interpret the claim limitations. It is advisable for applicant to explicitly include such definitions in the claim language.

Applicant argues the Ahlswede reference does not teach "representation vectors"

In response, the examiner respectfully submits

The Ahlswede reference reads on the claim limitations. Applicant's broad claim language allows such an interpretation. Applicant cites the specification for support in defining a representational vector. Ahlswede teaches representational vectors as interpreted that are computed based on input and information flow. Applicant has not distinguished its claims from the cited prior art. It is noted that the features upon which applicant relies are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant still is encouraged to include the specification limitations into the claim limitations especially the formula equations for distinction and advancing prosecution. There are many definitions applicant wishes the claims to be interpreted by, but the claims are written broadly and need to incorporate such definitions verbatim/explicitly/by formula.

The examiner believes prosecution would be advanced in a telephone interview if applicant feels so inclined. The examiner can be reached at 571-272-3982.